

REMARKS

This Amendment is responsive to the Final Action dated May 4, 2004. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-20 were pending in the application. In the Final Action, claims 1-20 were rejected. In this Amendment, claims 1, 4, 7, 10, 13 and 16 have been amended. Claims 1-20 thus remain for consideration

Applicants submit that claims 1-20 are now in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§102 and 103 Rejections

Claims 1-18 and 20 were rejected under 35 U.S.C. §102(e) as being anticipated by Morioka et al. (U.S. Patent No. 6,324,334).

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Morioka in view of Bertram (U.S. Patent No. 6,011,546).

Applicants respectfully submit that the independent claims (claims 1, 4, 7, 10, 13 and 16) are patentable over Morioka and Bertram.

Applicants' invention as recited in the independent claims is directed toward a data recorder-reproducer, a bit map processing method of a data recorder-reproducer, a control program data processing method of a data recorder-reproducer and a setting data processing

method of a data recorder-reproducer. Each of the claims recites that “said data recorder-reproducer includes an integral mixer operable to superimpose [bit map] data on data to be recorded by said recorder-reproducer such that the data to be recorded is recorded with the superimposed data, and/or to superimpose said bit map data on data that is reproduced by said recorder-reproducer.” Supporting disclosure for the mixing aspect of Applicants’ invention can be found in the specification at, for example, page 19, lines 4-9.

Neither Morioka nor Bertram discloses a data recorder-reproducer that includes an integral mixer operable to superimpose bit map data on data to be recorded or on data that is reproduced. Accordingly, Applicants believe that claims 1, 4, 7, 10, 13 and 16 are patentable over Morioka and Bertram – taken either alone or in combination – on at least this basis.

Claims 2 and 3 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2 and 3 are believed to be patentable over the cited references based on their dependency on claim 1.

Claims 5, 6 and 19 depend on claim 4. Since claim 4 is believed to be patentable over the cited references, claims 5, 6 and 19 are believed to be patentable over the cited references based on their dependency on claim 4.

Claims 8, 9 and 20 depend on claim 7. Since claim 7 is believed to be patentable over the cited references, claims 8, 9 and 20 are believed to be patentable over the cited references based on their dependency on claim 7.

Claims 11 and 12 depend on claim 10. Since claim 10 is believed to be patentable over the cited references, claims 11 and 12 are believed to be patentable over the cited references based on their dependency on claim 10.

Claims 14 and 15 depend on claim 13. Since claim 13 is believed to be patentable over the cited references, claims 14 and 15 are believed to be patentable over the cited references based on their dependency on claim 13.

Claims 17 and 18 depend on claim 16. Since claim 16 is believed to be patentable over the cited references, claims 17 and 18 are believed to be patentable over the cited references based on their dependency on claim 16.

Applicants respectfully submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

PATENT
450100-02164

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

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